

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

07-07-04

PCT/EP2003/000551



10/500 889

Applicant's or agent's file reference B02/0007PC	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP2003/000551	International filing date (day/month/year) 21 January 2003 (21.01.2003)	Priority date (day/month/year) 21 January 2002 (21.01.2002)
International Patent Classification (IPC) or national classification and IPC C11D 1/72		
Applicant BASF AKTIENGESELLSCHAFT		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.	
2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.	
<input type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).	
These annexes consist of a total of _____ sheets.	
3. This report contains indications relating to the following items:	
I <input checked="" type="checkbox"/>	Basis of the report
II <input type="checkbox"/>	Priority
III <input checked="" type="checkbox"/>	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
IV <input type="checkbox"/>	Lack of unity of invention
V <input checked="" type="checkbox"/>	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
VI <input type="checkbox"/>	Certain documents cited
VII <input type="checkbox"/>	Certain defects in the international application
VIII <input type="checkbox"/>	Certain observations on the international application

Date of submission of the demand 07 August 2003 (07.08.2003)	Date of completion of this report 16 September 2004 (16.09.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

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I. Basis of the report

1. This report has been drawn on the basis of *(Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.)*:

☐ the international application as originally filed.

☒ the description, pages 1-15, as originally filed,
 pages _____, filed with the demand,
 pages _____, filed with the letter of _____,
 pages _____, filed with the letter of _____.

☒ the claims, Nos. 1-14, as originally filed,
 Nos. _____, as amended under Article 19,
 Nos. _____, filed with the demand,
 Nos. _____, filed with the letter of _____,
 Nos. _____, filed with the letter of _____.

☐ the drawings, sheets/fig _____, as originally filed,
 sheets/fig _____, filed with the demand,
 sheets/fig _____, filed with the letter of _____,
 sheets/fig _____, filed with the letter of _____.

2. The amendments have resulted in the cancellation of:

☐ the description, pages _____

☐ the claims, Nos. _____

☐ the drawings, sheets/fig _____

3. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

4. Additional observations, if necessary:

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III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

- ☐ the entire international application.
- ☒ claims Nos. 5 (in part), 6, 7-8 (in part), 9, 10 (in part), 11-14.

because:

- ☐ the said international application, or the said claims Nos. _____
relate to the following subject matter which does not require an international preliminary examination (*specify*):

- ☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. _____
are so unclear that no meaningful opinion could be formed (*specify*):

- ☐ the claims, or said claims Nos. _____ are so inadequately supported
by the description that no meaningful opinion could be formed.

- ☒ no international search report has been established for said claims Nos. 5 (in part), 6, 7-8 (in part), 9, 10 (in part), 11-14

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Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: Box III.1.

**Non-establishment of opinion with regard to
novelty, inventive step and industrial
applicability**

Claims 5, 7 to 8 and 10 have only been partly
searched. Claims 6, 9 and 11 to 14 have not been
searched at all.

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V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	8 (IN PART), 10 (IN PART)	YES
	Claims	1-4, 5 (IN PART), 7 (IN PART)	NO
Inventive step (IS)	Claims		YES
	Claims	1-4, 5 (IN PART), 7-8 (IN PART), 10 (IN PART)	NO
Industrial applicability (IA)	Claims	1-4, 5 (IN PART), 7-8 (IN PART), 10 (IN PART)	YES
	Claims		NO

2. Citations and explanations

1. Reference is made to the following documents:

D1: US-A-3882038

D2: EP-A-620270

2. The present application does not meet the requirements of PCT Article 33(1) because the subject matter of the claims is not novel (PCT Article 33(2)).

D1 describes detergent formulations containing monobutyl ether of propylene glycol and a polyethoxylated linear fatty alcohol (see claim 1). The monoalkylglycol ethers can be obtained, *inter alia*, by reacting alkylglycol ethers with ethylene oxide and/or propylene oxide (see column 4, lines 28 to 33).

D2 (cited by the applicant) describes detergent compositions having a preferred surface tension of 10 to 35 mN/m (see page 10, example 1).

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Claims 1 to 5 and 7 thus lack novelty (PCT Article 33(2)).

Dependent claims 8 and 10 do not appear to contain any additional features which, in combination with the features of any claim to which claims 8 and 10 refer back, meet the PCT requirements for novelty and inventive step. The reasons are as follows:

Dependent claims 8 and 10 concern minor modifications of the kind that a person skilled in the art routinely makes on the basis of familiar considerations.